



533 R... PCT/PTO 02 JUL 2002

#12

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Tasuku HONJO, et al.

Appln. No.: 09674379

Group Art Unit: Unassigned

Confirmation No.: Unassigned

Examiner: Unassigned

Filed: October 30, 2000

For: A NOVEL POLYPEPTIDE, A cDNA ENCODING THE POLYPEPTIDE AND
UTILIZATION THEREOF

RENEWED REQUEST TO ACCEPT DECLARATION UNDER 37 C.F.R. §1.497(d)

Assistant Commissioner of Patents

BOX PCT

PCT LEGAL OFFICE

Washington, D.C. 20231

Sir:

On April 28, 1999, applicants filed international application PCT/JP99/02284, which claimed priority to Japanese application 10-119731, filed April 28, 1998.

On October 30, 2000, applicants timely filed a Transmittal Letter for entry into the U.S. national stage that was accompanied by, *inter alia*, the requisite basic national fee, but without the oath or declaration.

On May 9, 2001, the U.S. Designated/Elected Office mailed a Notification of Missing Requirements Under 37 C.F.R. §371 indicating, *inter alia*, that an oath or declaration was required, along with the \$130.00 late declaration surcharge. The Notification set a two (2) month period for response, extendable.

**RENEWED REQUEST TO ACCEPT DECLARATION
UNDER 37 C.F.R. §1.497(d)**

Q61531

On December 10, 2001, applicants timely filed a Response to the Notification, along with a Petition for Extension of Time, submitting a Declaration executed by the three (3) inventors named in the PCT application, and also indicating that a declaration signed by nine (9) additional inventors would be forth coming, along with a Petition to Correct Inventorship Under 37 C.F.R. §1.48(a).

On January 25, 2002, applicants filed a Petition Under 37 C.F.R. §1.48 to Correct Inventorship, including a request to correct inventorship to add nine (9) inventors, a statement from each added inventor that the error in inventorship occurred without deceptive intent, a declaration by the twelve (12) named inventors, and the processing fee set forth in 37 C.F.R. §1.17(i).

On April 2, 2002, the PCT Legal Office mailed a Decision on the Petition to Correct Inventorship (a copy of which is enclosed herewith). Therein, the PCT Legal staff stated that the Petition to Correct Inventorship was being treated as a Request to Accept Declaration Under 37 C.F.R. §1.497(d). The PCT Legal Staff further stated as the Request under 37 C.F.R. §1.497(d) required the written consent of assignees, and because such consent was not provided by applicants, the request was dismissed without prejudice.

Accordingly, Applicants now re-submitted their request, entitled RENEWED REQUEST TO ACCEPT DECLARATION UNDER 37 C.F.R. §1.497(d).

Included with this request are:

(1) a Declaration and Power of Attorney (in five parts) executed by each of the twelve (12) inventors in the present application;

(2) a Statement (in five parts) signed by each of the nine (9) omitted inventors, attesting to the fact that the error occurred without deceptive intent; and

**RENEWED REQUEST TO ACCEPT DECLARATION
UNDER 37 C.F.R. §1.497(d)**

Q61531

(3) the written consent of the assignees.

As the processing fee, set forth in §1.17(i), was submitted with the Petition dated January 25, 2002, applicants are not re-submitting the fee. However, if an addition fee is required, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880.

As indicated in the Response to Notification of Missing Parts filed December 10, 2001, in the present application there are nine (9) inventors in addition to the three (3) inventors named in the original PCT application from which the present application claims priority. After the filing of the PCT application it was discovered that, without deceptive intent, nine (9) additional inventors had not been named as inventors.

As the provisions of 37 C.F.R. §1.497 have now been met, applicants respectfully request entry of the executed declaration.

Finally, as the Decision on the request was dated April 2, 2002, and set a two month period for reply, attached hereto and herein incorporated by reference is a Petition for a one-month extension of time, making the due date for response July 2, 2002.

Respectfully submitted,



Drew Hisson
Registration No. 44,765

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: July 2, 2002